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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/563,945	05/18/2006	Andreas Wawrla		3291

7590
William D Breneman
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3150 Commonwealth Avenue
Alexandria, VA 22305

04/08/2008

EXAMINER

POPOVIC'S, ROBERT J

ART UNIT	PAPER NUMBER
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1797

MAIL DATE	DELIVERY MODE
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04/08/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/563,945

Applicant(s)

WAWRLA ET AL

Examiner

Robert J. Popovics

Art Unit

1797

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-4 is/are rejected.
- 7) ☒ Claim(s) 5-10 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/55/08)
Paper No(s)/Mail Date 4/10/06 & 8/2/06
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Claim Objections

Claims 5-10 are objected to under 37 CFR 1.75(c) as being in improper form because a multiple dependent claim cannot depend from another multiple dependent claim. See MPEP § 608.01(n). Accordingly, claims 5-10 not been further treated on the merits.

Claim Rejections - 35 USC § 102

Claims 1-3 are rejected under 35 U.S.C. 102(b) as being anticipated by French Patent 2,475,520. See the IPER witch is adopted.

Claim Rejections - 35 USC § 103

Claims 1-4 are rejected under 35 U.S.C. 103(a) as being unpatentable over either French Patent 2,475,520 or Great Britain Patent 1,448,844. See the IPER which is adopted:

Art Unit: 1797

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY		International application No. PCT/EP2004/007605
Box No. V	Reasoned statement under Rule 43bis, (b)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	
1. Statement		
Novelty (N)	Claims <u>4, 6-8, 10</u> YES Claims <u>1-3, 5, 9</u> NO	
Inventive step (IS)	Claims <u>7, 8</u> YES Claims <u>4, 6, 10</u> NO	
Industrial applicability (IA)	Claims <u>1-10</u> YES Claims _____ NO	
2. Citations and explanations.		
<p>Reference is made to the following documents:</p> <p>D1: FR-A-2 475 520 (CIMBALI GIUSEPPE SPA OFF) 14 August 1981 (1981-08-14)</p> <p>D2: GB-A-1 448 844 (DYNACORP) 8 September 1976 (1976-09-08)</p> <p>1. Novelty</p> <p>1.1 Document D1 which is considered to be the closest prior art discloses a domestic appliance having a water tank and a filter cartridge arranged therein (see D1, figure 1). The filter cartridge has an inlet opening in the base region and flow passes through it upwards. At its upper end, a connecting piece in the form of a coupling is disclosed, with which the filter cartridge is connected to the discharge line or the suction line of a pump (see D1, figure 1). The subject matters of claims 1 and 2 with regard to a filter cartridge are therefore not novel (PCT Article 33(2)).</p> <p>1.2 Independent claim 3 of the present application is unclear (PCT Article 6). It is defined in claim 3 that</p>		

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY

International application No.
PCT/EP2004/007605

Box No. V

Reasoned statement under Rule 23bis(1)(ii) with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statements

the outflow line which is configured as a downpipe is formed within the tank, whereas it is defined as a characterising part in claim 5 which is dependent on the said claim 3 that the downpipe is formed outside the water tank. This contradiction leads to a lack of clarity, as the downtube cannot be attached inside and outside simultaneously. Incidentally, figure 6 would no longer fall under claim 3 in this case. It is therefore assumed for the further examination that only the configuration as a downpipe *per se* is defined in claim 3 and that claims 4 and 5 supply more detailed information with respect to the position of the downpipes. In this case, the subject matters of claims 3 and 5 are not novel (PCT Article 33(2)), as D1 discloses a downpipe which is situated on the side of the water tank. Moreover, reference is to be made to point 2.1.

1.3 D1 discloses a filter cartridge, the outflow line 2 of which is coupled releasably to the suction line 3 of the pump (see D1, figures 1 and 2). The subject matter of claim 9 is therefore also not novel (PCT Article 33(2)).

2. Inventive step

2.1 The structural design of the downpipe is the responsibility of the expert. He will define the position of the downtube as a function of the external conditions, for example the overall shape of the surrounding housing, height of the filter, removable tank etc. The fact that the downpipe which is known as such can extend laterally out of the tank or downwards in the latter cannot therefore justify the presence of an inventive step,

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<p>especially as the different embodiments do not achieve any additional, surprising effects. The subject matters of claim 4 or of claims 3 and 5 (as long as claim 3 defines a line <u>within</u> the tank) therefore do not satisfy the requirements of PCT Article 33(3).</p> <p>The same is true for the subject matter of claim 6 which, in the form of a dividing wall, defines an obvious alternative to the use of a downpipe.</p> <p>2.2 Document D2 discloses a filter cartridge through which flow passes upwards in the water tank of a domestic appliance, the inlet of which is arranged in the base region of the tank and the outlet of which, arranged at the upper end, opens into a connecting piece (see D2, figure 1). In addition, D2 discloses connecting elements and couplings which differ, however, from the present claim 1 in that they are not connected to the suction side of a pump but to its delivery line. Apart from the fact that the arrangement of the pump is not a feature of the filter cartridge and could distinguish the latter, the construction according to the present claim 1 differs in that the water to be filtered is sucked through the filter, whereas it is pressed through the filter in D2. Both processes are well-known alternatives which ultimately lead to water flowing upwards through the filter cartridge. An inner downtube in the filter cartridge is also avoided in this case, with the result that the problem on which the application is based is also solved by D2. With regard to the disclosure of D2, the subject matter of claim 1 of the present invention therefore does not involve an inventive step (PCT Article 33(2)).</p>		

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert J. Popovics whose telephone number is (571) 272-1164. The examiner can normally be reached on M-F from 2:00 PM to 8:00 PM (EST). The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Robert James Popovics/
Primary Examiner
Art Unit 1797